



UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY

**Caption in Compliance with D.N.J. LBR 9004-1(b)**

**Robertson, Anschutz, Schneid, Crane & Partners,  
PLLC**

Authorized Agent for Secured Creditor  
130 Clinton Road, Lobby B, Suite 202  
Fairfield, NJ 07004  
Telephone: 973-575-0707  
Facsimile: 973-404-8886

Harold Kaplan (HK0226)

In Re:

**Kimberly A. Thomas,  
Debtor,**

Order Filed on December 29, 2021  
by Clerk  
U.S. Bankruptcy Court  
District of New Jersey

Case No.: 19-31389-MBK

Chapter: 13

Hearing Date: December 21, 2021

Judge: Michael B. Kaplan

**AGREED ORDER RESOLVING SECURED CREDITOR'S MOTION FOR RELIEF  
FROM THE AUTOMATIC STAY**

The relief set forth on the following pages, numbered two (2) through three (3), is hereby  
ORDERED.

**DATED: December 29, 2021**

A handwritten signature of Michael B. Kaplan in black ink.

Honorable Michael B. Kaplan  
United States Bankruptcy Judge

**Page 2**

Secured Creditor: US Bank Trust National Association, Not In Its Individual Capacity But Solely As Owner Trustee For VRMTG Asset Trust

Secured Creditor's Counsel: Robertson, Anschutz, Schneid, Crane & Partners, PLLC

Debtors' Counsel: Joan Sirkis Warren, Esq.

Property Involved ("Collateral"): 110 Kemper Ct, Hackettstown, NJ 07840-1581

- Relief sought:
- Motion for relief from the automatic stay
  - Motion to dismiss
  - Motion for prospective relief to prevent imposition of automatic stay against the collateral by debtor's future bankruptcy filings

For good cause shown, it is **ORDERED** that Secured Creditor's Motion(s) is (are) resolved, subject to the following conditions:

1. Status of post-petition arrearages:
  - The Debtor is overdue for 4 months from September 1, 2021 through December 1, 2021.
  - The Debtor is overdue for 4 payments from September 1, 2021 at \$1,002.01 per month.

Funds Held In Suspense \$0.00.

Total Arrearages Due \$4,008.04.

2. Debtor must cure all post-petition arrearages, as follows:
  - Beginning on January 1, 2022, regular monthly mortgage payments shall continue to be made in the amount of \$1,002.01.
  - The amount of \$4,008.04 shall be capitalized in the Debtor's Chapter 13 plan and paid to Secured Creditor by the Chapter 13 Trustee in addition to the amount set forth on Secured Creditor's timely filed Proof of Claim. Debtor must file an Amended Plan, and Schedules I and J within fifteen (15) days of the entry of this Order. The Debtor's monthly payment to the Chapter 13 Trustee will be modified to an amount necessary to appropriately fund the plan in accordance with this order.
3. Payments to the Secured Creditor shall be made to the following address(es):

- Regular monthly payment: Fay Servicing LLC  
PO Box 814609  
Dallas TX 75381

4. In the event of Default:

- Should the Debtor(s) fail to make any of the above captioned payments, or if any regular monthly mortgage payment or Trustee payments should become more than thirty (30) days late or if Debtor(s) fails to comply with any terms of this Consent Order, counsel shall file a Certification of Default with the Court. A copy of the Certification shall be sent to the Chapter 13 Trustee, the Debtors, and Debtors' attorney and the court shall enter an Order granting relief from the Automatic Stay. Debtor shall pay \$200.00 for each notice of default issued by Secured Creditor as a result of the Debtor's failure to comply with this Consent Order.

- In the event the Debtor(s) convert(s) to a Chapter 7 during the pendency of this bankruptcy case, the Debtor(s) shall cure all arrears within ten (10) days from the date of conversion in order to bring the loan contractually current. Should the Debtors fail to bring the loan contractually current, counsel shall file a Certification of Default with the Court, a copy of the Certification shall be sent to the Chapter 13 Trustee, Chapter 7 Trustee, the Debtors, and Debtors' attorney and the court shall enter an Order granting relief from the Automatic Stay. Debtor shall pay \$200.00 for each notice of default issued by Secured Creditor as a result of the Debtor's failure to comply with this Consent Order.

- This agreed order survives any loan modification agreed to and executed during the instant bankruptcy. If any regular mortgage payment due after the execution of a loan modification is more than thirty (30) days late, counsel shall file a Certification of Default with the Court a copy of the Certification shall be sent to the Chapter 13 Trustee, the Debtors, and Debtors' attorney and the court shall enter an Order granting relief from the Automatic Stay. Debtor shall pay \$200.00 for each notice of default issued by Secured Creditor as a result of the Debtor's failure to comply with this Consent Order.

5. Award of Attorneys' Fees:

- The Applicant is awarded attorney fees of \$350.00 and costs of \$188.00.

The fees and costs are payable:

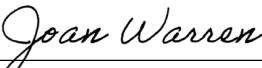
- Through the Chapter 13 plan.

To the Secured Creditor within \_\_\_\_\_ days.

Attorneys' fees are not awarded.

6. In the event Secured creditor has not filed a timely Proof of Claim, Debtor consents to the filing and payment by the Chapter 13 Trustee of any late filed Proof of Claim, subject to the right of the Debtor to file an objection as to the amount.

The undersigned hereby consent to the form and entry of the foregoing order.

  
\_\_\_\_\_  
Joan Sirkis Warren, Esq.  
*Attorney for Debtor(s)*  
Date: 12/22/2021

/s/ Harold Kaplan  
\_\_\_\_\_  
Harold Kaplan, Esq.  
*Attorney for Secured Creditor*  
Date: 12/22/2021

In re:  
Kimberly A. Thomas  
Debtor

Case No. 19-31389-MBK  
Chapter 13

District/off: 0312-3  
Date Rcvd: Dec 29, 2021

User: admin  
Form ID: pdf903

Page 1 of 2  
Total Noticed: 1

The following symbols are used throughout this certificate:

**Symbol      Definition**

- + Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

**Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Dec 31, 2021:**

<b>Recip ID</b>	<b>Recipient Name and Address</b>
db	+ Kimberly A. Thomas, 110 Kemper Court, Hackettstown, NJ 07840-1681

TOTAL: 1

**Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.**  
Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI).

NONE

## BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, \*duplicate of an address listed above, \*P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

NONE

## NOTICE CERTIFICATION

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Dec 31, 2021

Signature: /s/Joseph Speetjens

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## CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on December 29, 2021 at the address(es) listed below:

Name	Email Address
Albert Russo	on behalf of Trustee Albert Russo docs@russotrustee.com
Albert Russo	docs@russotrustee.com
Brian R Tipton	on behalf of Creditor Georgian Townhouse Association btipton@fpsflawfirm.com
Denise E. Carlon	on behalf of Creditor Specialized Loan Servicing LLC dcarlon@kmillawgroup.com, bkgroup@kmillawgroup.com
Harold N. Kaplan	on behalf of Creditor US Bank Trust National Association Not In Its Individual Capacity But Solely As Owner Trustee For VRMTG Asset Trust hkaplan@rasnj.com, informationathnk@aol.com
Joan Sirkis Warren	

District/off: 0312-3

User: admin

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Date Rcvd: Dec 29, 2021

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Total Noticed: 1

on behalf of Debtor Kimberly A. Thomas joan@joanlaverylaw.com

John R. Morton, Jr.

on behalf of Creditor HYUNDAI LEASE TITLING TRUST ecfmail@mortoncraig.com mortoncraigecf@gmail.com

Melissa N. Licker

on behalf of Creditor US Bank Trust National Association Not In Its Individual Capacity But Solely As Owner Trustee For VRMTG Asset Trust mlicker@hillwallack.com, HWBKnewyork@ecf.courtdrive.com

Phillip Andrew Raymond

on behalf of Creditor US Bank Trust National Association Not In Its Individual Capacity But Solely As Owner Trustee For VRMTG Asset Trust phillip.raymond@mccalla.com, mccallaecf@ecf.courtdrive.com

U.S. Trustee

USTPRegion03.NE.EDCF@usdoj.gov

TOTAL: 10